

REMARKS

Reconsideration of this application is respectfully requested.

Claim 3 has been amended to recite that the *Mycobacterium w* is a killed *Mycobacterium w*. Support for this amendment is found in the specification, for example, at page 12. Claims 22, 25, and 26 have been canceled without prejudice or disclaimer. Upon entry of this amendment, claims 1-21, 23, 24, and 29 are pending. Claims 1, 2, 5-21, 23, 24, and 29 have been allowed. Therefore, only claims 3 and 4 are at issue.

Claim Objection

Claims 22, 25, and 26 have been objected to as being duplicates of claim 1. In response, and without conceding the validity of the objection, claims 22, 25, and 26 have been canceled. Accordingly, this objection is moot.

Indefiniteness Rejection

Claims 3 and 4 have been rejected as indefinite for failing to specify a particular form of *Mycobacterium w*. In response, claim 3 has been amended to recite that the *Mycobacterium w* is a killed *Mycobacterium w*. Accordingly, Applicants respectfully submit that claims 3 and 4 are definite. Withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered, and that the pending claims be allowed and the case passed to issue.

If there are any other issues remaining that the Examiner believes can be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: February 1, 2010

Respectfully submitted,

By 

Jay P. Lessler

Registration No.: 41,151

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicants